

These written minutes represent the general discussion of the DWCD Board of Directors, DWCD staff, and participants at the DWCD board meeting, and they include a record of any and all board actions taken at the meeting. The written minutes are not intended to provide a word-for-word account of the board meetings. Nor are they a direct quote of any statements offered at board meetings. All DWCD board meetings are recorded on audio tape.

DOLORES WATER CONSERVANCY DISTRICT WATER ACTIVITY ENTERPRISE

MINUTES Regular Meeting December 12, 2019

CALL TO ORDER Bruce Smart, President, called the meeting to order at 7:02 PM

ROLL CALL Bruce Smart, President
Simon Martinez, Vice President
Godwin Oliver, Director
Wes Wilson, Director
Glen Fish, Director
Sheldonna Z. Ives, Director
Ken Curtis, General Manager
Lloyd Johnson, Maintenance Supervisor
Gina Espeland, Accounting Clerk
Robert Stump, Bureau of Reclamation
Dan McCarl, Attorney

INTRODUCTION OF GUESTS

Rob Walker, DWCD Engineering Tech, Eric Sprague, Engineering Tech, Doug Pickering, CDWR, Rich Landreth, City of Cortez; Cody Hurst, MVIC; Bernard Karwick, Nancy Karwick, McElmo Users; and Ed Millard, Montezuma County/IBCC/SWBRT

MINUTES

APPROVAL OF THE MINUTES

MOTION: TO APPROVE THE MINUTES AS SUBMITTED FOR THE NOVEMBER 14, 2019 ENTERPRISE MEETING.

**MOTION: GODWIN OLIVER
SECOND: SHELDONNA Z IVES
MOTION CARRIED UNANIMOUSLY.**

FINANCIAL STATEMENTS

Sheldonna asked what Strategic by Nature was and Ken stated that they are the vendor who is leading the DWRF strategic planning under the BOR WaterSmart grant.

MOTION: TO APPROVE THE SEPTEMBER '19 FINANCIAL STATEMENT AND APPROVE THE STATEMENT OF PAYABLES AS PRESENTED.

**O&M: AP/CHECK #37787-37854 & PR/CHECK #123604-123676
\$196,825.37**

**MOTION: SHELDONNA IVES
SECOND: SIMON MARTINEZ
MOTION CARRIED UNANIMOUSLY.**

O&M REPORT – Lloyd reported the following:

Pump Plants - The fixed speed pump from Ruin Canyon was picked up from Brimhall Ind. after repairs from gravel damage. It will be reinstalled this spring.

Canals - All canal work is on hold due to mud and frost.

Laterals - Water meters and PRVs are being rebuilt.

Lone Pine - Work on the outlet chute has been in progress. The rock inside the chute was removed using a vac truck. The bottom and sides of the outlet channel was reshaped and all rip rap was removed. Twenty-four 4'x16' ACB mats were installed and the transition areas were stabilized with shotcrete. The damaged areas on the walls inside the chute are also scheduled for repair this winter or early spring. The 84" pipe that feeds Great Cut Pumping Plant and the Lone Pine Canal is scheduled to be dewatered for visual and camera inspections this January. Lloyd provided pictures of this work.

Power Plants - McPhee Power Plant continues running steady at 25 cfs. Normal winter maintenance has started at Towaoc Power Plant.

THC - The last five canal check gates on Reach 3 have been removed and taken to DWCD welding shop for repairs. From there they will be sent out for sandblasting and painting. The rails in the canal will be sandblasted and painted also.

UF&R - Two of the four vertical turbine spray pumps were removed and taken to Brimhall Ind. out of Monte Vista for repair and seal upgrades.

Simon asked who helped to design the Lone Pine repairs, if it was DWCD. Lloyd stated yes it was DWCD staff with Robert's input also.

Ken stated that if you didn't make the tour, call Lloyd to get something scheduled to see some of the field water operations.

WATER MANAGEMENT REPORT

Ken stated the water reports are coming out once a week. SNOTELs are at 120% over the complete Colorado River Basin and Dolores Basin is at about 125% which is about 33% of the April 1st median peak. The supply should be good just as long as we keep in the storm track and build the snow pack routinely combined with carryover storage. The river is running about 40 cfs and we are releasing 40 cfs, so we are staying level. It jumped from 40 to 80 for a couple of days after one storm. 100% of the April 1st median peak will provide a full supply and fill the reservoir almost any year. It is an easy way to track off the NRCS website for total snow pack.

Eric will start sending daily SNOTEL reports after the first of the year.

Ken handed out information on ANS activities for 2019 focused on McPhee mussel inspections. We have a great inspection system in place led by CPW. These numbers indicate that the different states, especially our neighbors, are talking between each other to prevent infested boats from launching across state lines without inspection & decontamination. We did have 3 infested boats show up at McPhee from Lake Powell. Ken stated he will attend the CPW stakeholders meeting the day prior to Water Congress. Godwin asked if boaters are upfront when they come to McPhee for inspection letting them know they had been on Powell. Ken stated that he doesn't know for sure, but at first the boaters were offended by the inspections, but have learned of the problems first hand at Powell. Now they appear to be more supportive to avoid mussel infestation of McPhee.

ADJOURNMENT Dolores Water Conservancy District Water Activity Enterprise Board meeting adjourned at 7:18 PM

Donald W. Schwindt, Secretary-Treasurer

Bruce Smart, President

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DOLORES WATER CONSERVANCY DISTRICT

MINUTES Regular Meeting December 12, 2019

CALL TO ORDER Bruce Smart, President, called the meeting to order at 7:18 PM

Bruce Smart, President
Simon Martinez, Vice President
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Glen Fish, Director
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Ken Curtis, General Manager
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INTRODUCTION OF GUESTS

Rob Walker, DWCD Engineering Tech, Eric Sprague, Engineering Tech, Doug Pickering, CDWR, Rich Landreth, City of Cortez; Cody Hurst, MVIC; Bernard Karwick, Nancy Karwick, McElmo Users; and Ed Millard, Montezuma County/IBCC/SWBRT

APPROVAL OF THE MINUTES

MOTION: TO APPROVE THE MINUTES AS SUBMITTED FOR THE NOVEMBER 14, 2019 REGULAR MEETING AND NOVEMBER 14, 2019 EXECUTIVE SESSION MEETING.

**MOTION: GODWIN OLIVER
SECOND: WES WILSON
MOTION CARRIED UNANIMOUSLY**

MOTION: TO APPROVE THE MINUTES AS SUBMITTED FOR THE NOVEMBER 14, 2019 UPSTREAM USERS INCLUSION HEARING.

**MOTION: WES WILSON
SECOND: SHELDONNA IVES
MOTION CARRIED UNANIMOUSLY**

MOTION: TO APPROVE THE MINUTES AS SUBMITTED FOR THE NOVEMBER 14, 2019 BUDGET HEARING.

**MOTION: GLEN FISH
SECOND: GODWIN OLIVER
MOTION CARRIED UNANIMOUSLY**

MOTION: TO APPROVE THE MINUTES AS SUBMITTED FOR THE DECEMBER 3, 2019 SPECIAL MEETING AND THE DECEMBER 3, 2019 EXECUTIVE SESSION MEETING.

**MOTION: SIMON MARTINEZ
SECOND: WES WILSON
MOTION CARRIED UNANIMOUSLY**

FINANCIAL STATEMENTS

MOTION: TO APPROVE THE OCTOBER '19 FINANCIAL STATEMENTS AND APPROVE THE STATEMENT OF PAYABLES AS PRESENTED.

ADMIN: AP/CHECK #11410-11419

\$11,027.22

**MOTION: WES WILSON
SECOND: SIMON MARTINEZ
MOTION CARRIED UNANIMOUSLY**

AGENCY REPORTS

BOR Report

Robert reported that he went over to Brimhall's shop today. They have the 5 pumps taken apart for inspection of their condition. Compared to the last year's pump rebuilds they are in worse condition. Robert will be looking at a change order, because 13 of the 15 of the impellers will have to be replaced. That will use up the balance for this project for the variable speed pumps. There are on-going discussions for the other projects. We will be good on these 5 pumps for rebuild and repairing the impellers. Bruce asked how much more have we identified for replacement. Lloyd stated that we still have Fairview and Dove Creek (5) pumps. The water screens and valves are still being worked on. Robert stated he will check to see if we can get some of that money transferred. Robert will look at the options and see what we can come up with. Robert stated that they are at the end of the useful life on the pumps. Wes asked if this is the first time that we have looked at these pumps since the inception of the project. Robert answered yes, and Bruce stated that about 20-25 years of usage.

Division of Water Resources Report

Doug reported that Brandon was selected as Water Manager of the year for Division 7 and that honor was presented to him.

T/H Committee Report

Godwin reported that the THC Committee had a meeting November 20, 2019. **1)** The Committee paid DWCD, MVIC and Ute Farm and Ranch bills. Godwin stated that Lloyd had given an update on the THC Reach 3 gates in his report.

Next T/H Meeting – The Committee will meet at the DWCD, Cortez Office December 18, 2019 at 2:00 p.m. at the Cortez Office.

MVIC Report

Cody reported that **1)** MVIC has been working on continued maintenance, **2)** continued working on the Lone Pine and **3)** completed work on the Towaoc Highline drainage.

Adoption of Resolutions for 2020 Budget

Ken stated that a set of Resolutions had been mailed to the Board.

Budget Discussion – Ken stated that the Budget needs to be adopted at the December meeting.

Ken stated that the first 3 resolutions are Administrative. The second resolution has the same number that is on page 2 of the budget. The 3rd has the mill levy that will be sent to the Counties for certification. The last 2 resolutions are on the O&M. Ken stated that the Board is approving the numbers whether we spend it or not, effectively a maximum limit.

Ken stated that the resolutions adopt the budget and then appropriate money and set the mill levy to generate tax revenue. Then there are Resolutions to approve the Enterprise budget and appropriate money for the Enterprise, DCL&G, T/H and Powerplants.

Godwin asked if this Resolution was the one that had the increase in wages. Ken stated no that the first resolution is part of the Administrative Budget

MOTION: ADOPT RESOLUTION NO. 19-04 2020 ADMINISTRATIVE FUND BUDGET

MOTION: SIMON MARTINEZ

SECOND: WES WILSON

MOTION CARRIED UNANIMOUSLY

MOTION: ADOPT RESOLUTION NO. 19-05 RESOLUTION TO APPROPRIATE ADMINISTRATION FUND MONEY

MOTION: GODWIN OLIVER

SECOND: GLEN FISH

MOTION CARRIED UNANIMOUSLY

MOTION: ADOPT RESOLUTION NO. 19-06 SETTING THE MILL LEVIES

MOTION: WES WILSON

SECOND: SIMON MARTINEZ

MOTION CARRIED UNANIMOUSLY

MOTION: ADOPT RESOLUTION NO. 19-01- E 2020 ENTERPRISE FUND BUDGET

MOTION: SIMON MARTINEZ

SECOND: WES WILSON

MOTION CARRIED UNANIMOUSLY

Godwin asked if this was the one that includes the 2.5% increase. Ken stated that this resolution establishes a total maximum expenditure number for budgetary purposes, however it can be adjusted within the budget during the year and sometimes it requires additional amendments and Board approval.

Godwin stated that he doesn't think that the full-service farmers have recovered and didn't think that the full-service farmers could continue to be increased and increasing employees continually at this rate would put them out of business. Bruce stated that the 2.5% of salary would be the average of the increase and you need to set the scales for the employee salary growth. Bruce stated that he thought it was a good full-service supply year and a better time to increase. Ken stated that if you want to change full-service rates, we don't have to change it tonight. If you want to change the matrix, we do need to know tonight in order to change and complete processing prior to January 1, 2020. After the Board discusses the 2 decisions, you can still approve the 2 resolutions and we will follow Board direction on the employee raises and FS rates. The salary increases go into effect the first of the year on the first pay period. The Full-Service rates don't go out until April and do have an impact on revenue and would have to be addressed by 2021. Ken asked for the Board to let us know now what you want to do on salaries. Simon stated he was good with the 2.5%. Wes is in favor of the 2.5%, Godwin is not in favor of it. Sheldonna stated from the farming perspective that there will be a tipping point for the farmer from increasing costs. Sheldonna agreed with Godwin and was not in favor of 2.5% Matrix employee increase.

Ken asked Dan if he had any advice on where we are. Bruce stated do we discuss what salary is acceptable tonight or freeze and discuss it in January.

Ken asked what Godwin proposed.

MOTION: SETTING THE SALARY RATE AT 1.25% ON THE MATRIX

MOTION: GODWIN OLIVER

SECOND: GLEN FISH

Bruce asked for a show of hands on the vote.

**MOTION TIED: SHELDONNA, GLEN AND GODWIN VOTING FOR,
SIMON, WES AND BRUCE AGAINST.**

Simon suggested that he would be willing to go with 2% and he understands from a farming aspect how some years are harder than others, but you still need to retain good employees.

MOTION: SETTING THE SALARY RATE AT 2% INSTEAD OF 2.5%.

MOTION: SIMON MARTINEZ

SECOND: WES WILSON

**MOTION TIED: SIMON, WES AND BRUCE FOR. SHELDONNA, GLEN AND
GODWIN AGAINST.**

MOTION: APPROVE RESOLUTION NO. 19-02E WITH A SALARY ADJUSTMENT

MOTION: WES WILSON

MOTION SUSPENDED

Ken stated that you are not talking about long term increases tonight, but setting for 1 year, 2020.

Sheldonna stated that she agreed with Simon, but that the farmers are not going to be able to keep up and be sustainable in the long term. Bruce stated that we need to discuss the sustainability just on its own merit.

Godwin stated that he would like to have another meeting to discuss this. Ken looked at the calendar for the first week of January. A meeting was set for Monday, January 6, 2020 at 6 p.m.

**MOTION: ADOPT RESOLUTION NO. 19-02-E APPROPRIATION OF ENTERPRISE FUND
MONEY**

MOTION: GODWIN OLIVER

SECOND: WES WILSON

MOTION CARRIED UNANIMOUSLY

MOTION: SUSPEND SALARY INCREASES FOR 2020

MOTION: GODWIN OLIVER

SECOND: SHELDONNA IVES

MOTION CARRIED 5-1, with Simon voting against.

SET LOCATION FOR POSTING MEETING NOTICES IN 2020

Bruce stated that we need to designate our location of the area outside the Board Room Doors for posting Meeting Notices for 2020. Ken explained that the open meetings law requires that the local governing body designate where a notice of the meetings will be posted. This must be done annually.

**MOTION: DESIGNATING THE AREA OUTSIDE THE BOARD ROOM DOORS AS THE
LOCATION FOR THE OFFICIAL POSTING OF MEETING NOTICES.**

MOTION: WES WILSON

SECOND: GODWIN OLIVER

MOTION CARRIED UNANIMOUSLY

GENERAL MANAGERS REPORT/DECISION ITEMS

ADMINISTRATIVE BUDGET MOTION ON APPROPRIATED DISCRETIONARY RESERVE – Ken asked that every year that the total income and in the funds we have an unappropriated reserve and if you didn't have it we would have to send any changes back up to DOLA. We usually appropriate the funds, but we have not used them for a while. We are talking about 2019 Columns E and G. Current projections of legal costs in 2019 are expected to go over budget by about \$15,000. DWCD has the money to pay, but if we keep the 2019 transfer to O&M budget at the projected level, we would end up spending more than the approved Administrative Budget and get a negative comment on our audit. This is why we appropriate additional funds subject to Board approval to budget. We did transfer \$70,985 from Kinder Morgan payments to Discretionary Reserve earlier in 2019. The legal expenses through October is \$92,000 and it will be over budget. If we don't adjust the budget the auditor will have to report that we spent more than we approved. This is coming out of the Administrative discretionary reserves. We would like to take some of the money and move it up to cover legal costs. We could transfer less, but we would transfer less to the O&M in 2019 and would affect the 2020 and 2021 budget impacts. Ken commented that in Column G 3rd page of the Administrative Budget – Contributions. The Kinder Morgan money was recognized in the 2019 budget. Ken stated that he is just requesting to move it from appropriated but unbudgeted to cover legal costs. Spending the budgeted, but unappropriated funds requires Board action.

Dan stated that MBSS has billings for \$15,000 through now and thinks that \$15,000 for the last two months is accurate.

MOTION: APPROPRIATE DISCRETIONARY RESERVES IN THE AMOUNT OF \$20,000.

**MOTION: WES WILSON
SECOND: GODWIN OLIVER
MOTION CARRIED UNANIMOUSLY**

ANNUAL APPOINTMENT OF DWCD REPRESENTATIVE TO THE TOWAOC HIGHLINE COMMITTEE – Bruce asked if Godwin was still interesting in remaining the THCC representative and Sheldonna as alternate. Godwin stated he would as long as some else is interested.

MOTION: APPOINT GODWIN OLIVER TO BE THE TOWAOC HIGHLINE COMMITTEE REPRESENTATIVE AND SHELDONNA Z. IVES TO BE THE TOWAOC HIGHLINE COMMITTEE ALTERNATE.

**MOTION: WES WILSON
SECOND: SIMON MARTINEZ
MOTION CARRIED UNANIMOUSLY.**

CWC SCHEDULE – The annual Colorado Water Congress is Wednesday January 29, 2020 – Friday, January 31, 2020. Please contact Gina or Lisa if you are interested in attending. Bruce, Wes and Godwin for sure. Glen unsure, but will let us know.

Support for CWC Stewardship Project – The CWC Stewardship Project has been going since 2012 to protect again Public Trust Doctrine changes to the Colorado Constitution that would harm the Prior Appropriation Doctrine, our current water rights system. These actions could be Ballot Amendment to legal suits. Other water groups contribute from \$100 to \$25 K for some larger cities. SWCD has made contributions from \$2,000- \$5,000 over several cycles. Most small water agencies have contributed less than \$1,000, so it was suggested that \$500 would be appropriate for DWCD.

If you have a public trust doctrine, in Colorado it is a Constitutional amendment and this fund is established to avoid constitutional amendments that would threaten the prior appropriation doctrine. Currently they are supporting existing Colorado law on ownership of the stream bed that has been challenged by boaters and anglers to gain public access on private property. The current cases seek to change current Colorado law. The CWC is seeking funds for 2020 and suggested a \$500 contribution from DWCD. Ken stated that he would like Board approval for this expenditure that was not originally presented through the Budget process.

MOTION: TO SUPPORT CWC STEWARDSHIP PROJECT IN THE AMOUNT OF \$500.00.

**MOTION: WES WILSON
SECOND: SHELDONNA IVES
MOTION CARRIED UNANIMOUSLY.**

Totten Reservoir Price for potential sale to MVIC - Dan stated that he and Adam worked with Mike and Bruce to arrive at a number that would meet the District's fiduciary obligations. Ken stated that MVIC expressed some interest in taking it to their shareholders. Ken stated that he told

Brandon that he would get back with him after this meeting. Potentially looking for Board statement of intentions to share with MVIC.

Bruce stated that he told Brandon that DWCD would try to hold to the price set last March. MVIC is looking to bring something to their stockholders to firm up at the annual meeting. We know that we have already stated that we would be willing to sell it to a party, but there are a lot of unknowns and still looking at viable valuations of Totten. Ken handed out a draft letter that could go to Brandon for the MVIC Annual meeting. Bruce stated that this letter is an affirmation. Dan stated that some of this might need discussion in Executive Session as it may pertain to negotiations.

Bernard Karwick stated that he is sorry if DWCD feels like they are in the dark about discussions between McElmo & MVIC, but they feel the same way most of the time. MVIC has not wanted to talk to the McElmo users yet. A non-profit McElmo Reservoir & Ditch Company was formed from the users that had been leasing the Totten water from DWCD. MVIC has been uncertain on a lot of issues and haven't clearly stated a position. At one point they wanted the McElmo users to purchase it and then they came back and said that MVIC wanted to buy it and that is where we are at this point. Bernard stated that they are looking for anything that the McElmo users could do to meet the objective of serving supplemental water into McElmo Creek. Bruce stated that there are a lot of official and legal items that would arise. Bernard stated that the McElmo users would like to know what the deal is between DWCD and MVIC because they are the end users. Bernard stated maybe a deed restriction to serve the purpose of the McElmo users would be important to them. Bruce reassured Bernard that they should be closely related. Sheldonna asked what percentage the users in McElmo are involved. Bernard stated that MVIC asked the same question and the users are the ones that have mainly leased water.

Ed stated that MVIC is having an engineering meeting in January and it would hopefully then be available. Ken stated like many of these things there is an iterative process, and there is no way they are going to absorb the full engineering report in one meeting. Sheldonna asked why users in McElmo receiving this water have not had to pay for the water that they are used to having?

Ken stated that we did a Drought Contingency Plan prior to Sheldonna's appointment to the Board. UF&R, MVIC and DWCD talked about our drought improvements and MVIC focused on system improvements, like piping. McElmo made some complaints about not being involved and we hosted a meeting and modified the final report to reflect some of their concerns. We were the lead on the report, though involved more MVIC issues. The use going down in McElmo for years has and could further change due to MVIC making improvements. It could dry up more and they wouldn't have the return flow water that had historically made it to McElmo. MVIC would like to do more system improvements, that will take time, but all goes towards one direction.

Wes asked how many acres total would be irrigated down in McElmo, he heard 2000 acres. Bernard stated that they have about 500 acres on board which is about one fourth. It is a first step not knowing how it would be involved in the future. Simon asked if the Bureau had a part in this. Bernard stated that they met with Ed Warner from Reclamation. He encouraged the conversation. Robert stated that the Bureau is supportive.

Dan stated that he didn't feel that they needed to go into Executive Session and Dan had given his legal opinion and it is not binding and represents the cost recovery approach.

MOTION: APPROVE THE DRAFT LETTER TO MVIC ON THE COST AND PRICING METHODOLGY.

**MMOTION GLEN FISH
SECOND: SHELDONNA IVES
MOTION CARRIED UNANIMOUSLY**

Dove Creek Lawn & Garden Repayment to Future Projects - Ken revised the recommendation for paying back the New Projects fund. It is believed that the liner replacement will take place in the next year or two, an approximate \$25K cost. Ken stated that he would propose transferring \$7,000 from DC L&G to future Projects in 2020 followed by 6 transfers of \$2,500. This can be reviewed annually and adjusted as needed.

He stated that he would work with the legal staff on the delinquent accounts. Ken stated that he feels that they appreciate their system and it is a community service, with cost recovery to keep it going. The initial \$7,000 and a variable amount around \$2,500 until it is paid for is embedded in the current budget. Ken stated that he is okay in bringing back during each budget season for direction. The board gave Ken direction to transfer \$7,000 initially from Dove Creek Lawn and Garden to Future Projects in 2020 followed by transfers in the following years until it is paid for.

External Relations - Mike provided an External Relations Report for the Board packet. Ken stated that Rocky Mountain Restoration Initiative (RMRI) did make a decision and announced on December 9 that the Southwest Colorado Restoration Initiative was unanimously selected as the focal area. The proposal requests \$5.2 million per year for 10 years with most of the large-scale work focused on the SJNF in the Dolores Watershed into McPhee and the lower Dolores. Mike would be happy to

update anyone about it that would like more detail. We will be hearing more about it in the future detailing additional funds coming in to be focused on the ponderosa and mixed conifer areas.

Colorado River Basin Issues – Drought contingency Planning, West Slope Risk Assessment, Demand Management – Ken stated that the first handout is a report from Kelsey, a PhD candidate that interviewed water rights owners around the West slope and locally. Ken stated that she did a great job and approached it as a communication tool for talking about potential for demand management. Kelsey presented her findings at the last West Slope Agriculture (WAG) meeting on December 2. The WAG came out of when Grand Valley came down to present their System Conservation Pilot Program findings at Destination Grill last May. They had applied for a grant that required outreach to other west slope water users. They are currently exploring if WAG wants to continue meeting and possibly adopt a more organized structure. Currently meetings tend to fall on water managers, engineers and lawyers versus agricultural producers. Ken stated that the River District and SW District have historically taken the lead on similar west slope policy issues. One of the questions is do the two Conservation Districts still adequately support the interests of West Slope agriculture. Kelsey's material is interesting reading and the WAG notes give an idea of their intentions. Ken also handed out two FFA reports on LB & UB perspectives on DCP related issues.

Ed stated that the River District is getting a grant to study Demand Management and possibly setting up a Water Bank. It could be a source of concern. Ken stated that SW is having similar conversations, but has not formally announced a specific process.

Colorado's 2019 303(d) List Rulemaking/Water Quality Control Commission (WQCC) - Dan stated that the Board would need to discuss this item in Executive Session.

LEGAL REPORT – Dan stated they did file a Statement of Opposition (SOO) on the Himes Creek Instream Flow Case to make sure that the decree that is entered is the same that was agreed to with CWCB and filed with the Court. There is an opposer and we need to make sure that the decree that is entered remains the same.

For the results of the 303(d) Rulemaking he recommends going into executive session. To remind the Board that in 2018 we participated in the rulemaking for the 303(d) impaired waters listings and were successful in having the 2 segments removed for temperature impairment based on their own policy. However, the WQCD recommended to the Commission that they be placed on the impairment list after modifying the policy. We disagreed; these regulations are primarily used to limit point source discharge of pollution versus natural conditions. We believed these waters should remain off the federal list of impaired waters. Dan attended a hearing last Monday and ask that the stream segments remain off the list and that the WQC Commission should provisionally list. The state doesn't have the information that they need to determine the cause of temperature exceedances and noted that they therefore should seek more information before they list.

MOTION: MOVE INTO EXECUTIVE SESSION PER CRS 24.6.402(b) TO OBTAIN LEGAL ADVICE FROM COUNSEL ON THE 303(d) LISTING.

**MOTION: WES WILSON
SECOND: SIMON MARTINEZ
MOTION CARRIED UNANIMOUSLY.**

**RECESSED FOR EXECUTIVE SESSION AT 9:35 P.M.
RECONVENED REGULAR MEETING AT 9:45 P.M.**

REPORT OUT OF EXECUTIVE SESSION

Dan reported that in Executive Session the Board discussed the 303(d) rule making.

MOTION: MOVE INTO EXECUTIVE SESSION PER CRS 24.6.402(a) TRANSFER SALE OF REAL PROPERTY AND CRS 24.6.402(e) MATTERS OF NEGOTIATION IN DISCUSSION ON TOTTEN.

**MOTION: WES WILSON
SECOND: SIMON MARTINEZ
MOTION CARRIED UNANIMOUSLY.**

**RECESSED FOR EXECUTIVE SESSION AT 9:46 P.M.
RECONVENED REGULAR MEETING AT 10:11 P.M.**

Dan reported that in Executive Session the Board discussed the sale of Totten Reservoir and no decisions were made in either Executive Session.

NEXT DWCD BOARD MEETING – Thursday, January 9, 2019 - 7:00 P.M.

ADJOURNMENT Meeting adjourned at 10:13 P.M.

Donald W. Schwindt, Secretary-Treasurer

Bruce Smart, President